

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FERRING PHARMACEUTICALS INC.,
REBIOTIX INC.

Plaintiffs,

V.

FINCH THERAPEUTICS GROUP, INC.,
FINCH THERAPEUTICS, INC., and FINCH
THERAPEUTICS HOLDINGS, LLC.

Defendants.

C.A. No. 21-1694-JLH

FINCH THERAPEUTICS GROUP, INC.,
FINCH THERAPEUTICS, INC., FINCH
THERAPEUTICS HOLDINGS, LLC, and
REGENTS OF THE UNIVERSITY OF
MINNESOTA

Counterclaim-Plaintiffs/Reply Defendants,

V.

FERRING PHARMACEUTICALS INC., and
REBIOTIX, INC.

Counterclaim-Defendants/Reply Plaintiffs.

**FERRING/REBIOTIX'S RENEWED MOTION FOR JUDGMENT
AS A MATTER OF LAW**

As allowed under Federal Rule of Civil Procedure 50(b), Ferring Pharmaceuticals Inc. and Rebiotix (collectively, “Ferring”) respectfully renew their motion for judgment as a matter of law (“JMOL”) made during trial under Federal Rule of Civil Procedure 50(a) on the following issues:

1. No reasonable jury would have had a legally sufficient evidentiary basis to find that Finch Therapeutics Group, Inc., Finch Therapeutics, Inc., Finch Therapeutics Holdings, LLC (collectively, “Finch”) and the Regents of the University of Minnesota (“UMN” and collectively with Finch, “Finch/UMN”) proved by a preponderance of the evidence that Ferring infringes asserted claim 7 of United States Patent Number 10,251,914 (“the ’914 patent”);

2. No reasonable jury would have had a legally sufficient evidentiary basis to find that Finch/UMN proved by a preponderance of the evidence that Ferring infringes claims 16 and 21 of United States Patent Number 10,675,309 (“the ’309 patent”);

3. No reasonable jury would have had a legally sufficient evidentiary basis to find that Finch/UMN proved by a preponderance of the evidence that any infringement by Ferring of the ’914 patent, the ’309 patent, and United States Patent Number 11,541,080 (“the ’080 patent”) was and is willful;

4. No reasonable jury would have had a legally sufficient evidentiary basis to find that Ferring had not proven by clear and convincing evidence that claim 16 of the ’309 patent and claim 2 of the ’080 patent are invalid as obvious;

5. No reasonable jury would have had a legally sufficient evidentiary basis to find that Ferring had not proven by clear and convincing evidence that claim 7 of the ’914 patent is invalid for lacking written description support; and

6. No reasonable jury would have had a legally sufficient evidentiary basis to find that Finch/UMN presented sufficient evidence to support the damages awarded by the jury specifically with respect to the \$25,000,000 upfront payment.

In the alternative, Ferring requests remittitur of the damages award under Federal Rule of Civil Procedure 59.

Ferring will submit its brief in support of this motion on September 26, 2024, consistent with the Court's August 27, 2024 oral order setting the post-trial briefing schedule for this case.

Counsel for Ferring met and conferred with counsel for Finch/UMN but have been unable to reach agreement regarding this motion.

Dated: September 12, 2024

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